

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 114

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO CRIMES; AMENDING SECTION 18-916, IDAHO CODE, TO PROVIDE THAT  
2 ABUSING PUBLIC SCHOOL EMPLOYEES WHILE SUCH EMPLOYEES ARE ACTING WITHIN  
3 THE COURSE AND SCOPE OF THEIR DUTIES IS A MISDEMEANOR AND TO DEFINE  
4 TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 18-916, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 18-916. ABUSE OF SCHOOL ~~TEACHERS~~ EMPLOYEES. (1) Every parent,  
10 guardian, or other person who upbraids, insults or abuses any teacher of the  
11 public schools, in the presence and hearing of a pupil thereof, abuses a pub-  
12 lic school employee while the employee is acting within the course and scope  
13 of the employee's duties is guilty of a misdemeanor.

14 (2) For purposes of this section:

15 (a) "Abuse" means to willfully and maliciously threaten, harass, co-  
16 erce, or intimidate. The term "abuse" shall not be construed to include  
17 mere criticism or other constitutionally protected speech or activity.  
18 Rather, the term "abuse" refers to conduct that would cause a reasonable  
19 person substantial emotional distress or fear of physical injury.

20 (b) "Public school employee" means a person directly employed by a  
21 school district or public charter school. The term "public school  
22 employee" includes administrators, instructional staff, and pupil ser-  
23 vice staff but does not include an independent contractor as defined in  
24 section 72-102, Idaho Code.

25 SECTION 2. An emergency existing therefor, which emergency is hereby  
26 declared to exist, this act shall be in full force and effect on and after  
27 July 1, 2023.